

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

- - -

LULA WILLIAMS, et al., : NO.: 3:17-cv-00461
Plaintiffs :

vs. :

BIG PICTURE LOANS, :
LLC, et al., :
Defendants :

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RENEE GALLOWAY, et : NO.: 3:18-cv-406-REP
al., :
Plaintiffs :

Vs. :

BIG PICTURE LOANS, :
LLC, et al., :
Defendants :

- - -

Tuesday, May 26, 2020

- - -

REMOTE VIDEOTAPED DEPOSITION of JOETTE
PETE, taken pursuant to notice, commencing at
approximately 10:10 a.m., before Lynn Parlapiano,
Professional Court Reporter and Notary Public in
and for the Commonwealth of Pennsylvania.

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MAGNA LEGAL SERVICES
(866) 624-6221
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1 Q. And for how long did you work there?

2 A. It was temporary, seasonal for the
3 winter months.

4 Q. In what winter?

5 A. Not this past winter, the winter
6 before.

7 Q. Okay. So the winter of 2018 to 2019?

8 A. Yeah.

9 Q. All right. Now, while you were -- when
10 you were first elected to Tribal Council?

11 A. I don't remember. I know there was --
12 I think it was in 2001 maybe. I don't remember.
13 I don't have my résumé in front of me.

14 Q. Okay. When did you become the vice
15 chair of the council?

16 A. In 2008 through 2010. And then I had
17 ran against Jimmer Williams and I lost by 13
18 votes and so then the following year, I had ran
19 for vice again I believe.

20 Q. So let me see if I understand this.
21 You were elected to the Tribal Council you
22 believe in 2001. For how long did you serve on
23 Tribal Council as a member?

24 A. I don't remember. I don't know the

1 exact dates.

2 Q. You don't remember the exact -- was it
3 more than one term?

4 A. Yes.

5 Q. Do you know how many terms it was?

6 A. I don't remember.

7 Q. All right. And for how long is each
8 term?

9 A. Two years.

10 Q. So you served continuously as a member
11 of the Tribal Council beginning in 2001 for at
12 least two terms; is that an accurate statement?

13 A. I'm sorry. You're breaking up.

14 Q. So beginning in or about 2001, you
15 served as a member of the Tribal Council for at
16 least two consecutive terms; is that correct?

17 A. I don't remember the dates.

18 Q. Okay. And you became vice chair in
19 2008, correct?

20 A. Yes.

21 Q. And that was also a two-year term?

22 A. Yes.

23 Q. And then did you -- you ran again in
24 2010 and you lost that election; is that what

1 you're saying?

2 A. Yes. I don't remember the dates.

3 Q. You don't remember the dates?

4 A. I wish I would have known to bring my
5 résumé.

6 Q. Okay. So but let me just understand
7 this and tell me whether my understanding is
8 correct or incorrect.

9 You were elected as vice chairman or
10 chairperson of the Tribal Council, you served a
11 single term and then you lost an election; is
12 that correct?

13 A. Yes.

14 Q. And then at some point, you were
15 re-elected?

16 A. Yes.

17 Q. And do you know when you were
18 re-elected?

19 A. I don't.

20 Q. Okay. And when did you stop being on
21 Tribal Council?

22 A. When did what?

23 Q. When did you stop being on Tribal
24 Council?

1 A. When I was removed in 2016.

2 Q. And when in 2016 were you removed?

3 A. August 12, 2016.

4 Q. And I assume that was not voluntary;
5 you didn't agree to that?

6 A. Correct.

7 Q. And so you were voted off the council?

8 A. No.

9 Q. You were not. How did it come about
10 that you were removed from the council?

11 A. (Inaudible.)

12 Q. Sorry?

13 A. Per the removal proceedings according
14 to the constitution, it was via judicial
15 proceedings.

16 Q. Okay. Okay. Now, I think you said
17 when you lost the election for vice chair, you
18 lost that to James Williams?

19 A. Yes.

20 Q. And is that the person who currently
21 serves --

22 (The court reporter asked for
23 clarification.)

24 BY MR. SCHEFF:

1 Q. Ms. Pete?

2 A. Yes.

3 Q. I think you said that when you lost the
4 election for vice chair, you lost it to James
5 Williams; is that correct?

6 A. No. It was for chairman.

7 Q. You ran for chairman?

8 A. Yes.

9 Q. Okay. And you lost that to James
10 Williams?

11 A. Yes.

12 Q. Is he the current chairman of the tribe
13 as far as you know?

14 A. Yes.

15 Q. So when you lost the election for
16 chairman, did you remain as vice chairman?

17 A. No, 'cause you can't run for dual
18 positions.

19 Q. So for a period -- I'm sorry. I didn't
20 mean to interrupt you. You can --

21 A. You can only accept one position. You
22 can't run for chairman, secretary, treasurer or
23 council. You have to choose one position.

24 Q. Okay. So there was a period of

1 A. I don't think so.

2 Q. You don't think so?

3 A. I don't remember.

4 Q. Was being the vice chair of the Tribal
5 Council a full-time job?

6 A. Yes.

7 Q. Okay. So is it your testimony that you
8 really couldn't perform any other tasks while you
9 were vice chairman of the Tribal Council?

10 A. Yeah, when you're raised here, but when
11 you're Tribal Council, that was not a full-time
12 position until 2012 I believe. When the tribe
13 had moved to the Watersmeet Township offices,
14 then the council members became full-time
15 employees.

16 Q. Okay. And what was the salary that you
17 earned as vice chairman of the Tribal Council?

18 A. I think it was 120,000.

19 Q. Okay. And what was your salary when
20 you were on the Tribal Council?

21 A. Maybe 80,000. I don't remember.

22 Q. Have you ever heard of a company called
23 North Country Financial?

24 A. I can't recall.

1 Q. You can't recall whether you have.

2 Okay.

3 Have you ever heard of a company called
4 Duck Creek Financial?

5 A. Yes.

6 Q. Okay. Did you ever work for Duck Creek
7 Financial?

8 A. It was part of the tribe's organization
9 or entity, but I would never received any payment
10 from Duck Creek.

11 Q. And you never performed any services
12 for Duck Creek; is that correct?

13 A. Just as a Tribal Council.

14 Q. Were you ever hired as an employee of
15 Duck Creek Financial?

16 A. No.

17 Q. Okay. Did you ever receive any
18 compensation from Duck Creek Financial?

19 A. No, not that I recall.

20 Q. Were you ever in the offices of Duck
21 Creek Financial?

22 A. No.

23 Q. Do you know where the offices of Duck
24 Creek Financial were?

1 Q. And did you ever work for Red Rock
2 Lending?

3 A. No, just as in my council capacity.

4 Q. Were you ever in the offices of Red
5 Rock?

6 A. No.

7 Q. Do you know where the offices of Red
8 Rock were?

9 A. Yes.

10 Q. Where were they?

11 A. Initially they were at the -- online
12 and then at the casino and then at the tribal --
13 old tribal offices.

14 Q. I'm sorry. You said -- the first
15 office you identified was online?

16 A. Yeah. There was no office space.

17 Q. During what period of time was that?

18 A. I don't recall the exact dates.

19 Q. And when was Red Rock's offices -- when
20 were they in the casino?

21 A. Before they moved to the old tribal
22 center.

23 Q. What dates?

24 A. I do not know.

1 Q. What year?

2 A. 2015 maybe, '14, '15.

3 Q. That's when they were in the casino?

4 A. No. That's when they had moved to the
5 old tribal center.

6 Q. When in 2014 did they move?

7 A. I don't know the exact date.

8 Q. And when did they move into the casino?

9 A. I don't know the exact date.

10 Q. What year?

11 A. I don't know the exact date.

12 Q. So you can't identify a year that they
13 moved into the casino?

14 A. What?

15 Q. You can't identify a year that Red Rock
16 moved into the casino?

17 A. No.

18 Q. All right. Where in the casino were
19 they?

20 A. In room 400.

21 Q. Okay. And who were the employees of
22 Red Rock while they were in the casino?

23 A. I do not know.

24 Q. You don't know?

1 A. No.

2 Q. And who were --

3 A. I know Michelle Hazen.

4 Q. I'm sorry?

5 A. Michelle Hazen.

6 Q. Okay. Anyone else?

7 A. Craig Mansfield.

8 Q. Anyone else?

9 A. It depends on what date you're --
10 initially that's how it was and then the
11 co-managers, then Craig had asked not to be part
12 of it, and then Jimmer became a co-manager with
13 Shelly.

14 Q. Okay. Any other employees of Red Rock
15 that you can identify while Red Rock was located
16 in the casino in room 400?

17 A. No.

18 Q. Now, when they moved to the old tribal
19 offices, can you name any of the employees of Red
20 Rock?

21 A. Michelle Allen, the regulators, which
22 also worked at the casino, Mesabi McGeshick,
23 Lilly Anne Williams and Jordan McGeshick.

24 Q. And when you refer to the regulators,

1 do you mean regulators from the tribe, tribal
2 regulators?

3 A. Yeah.

4 Q. What was the name of the tribal
5 regulatory agency?

6 A. I don't remember.

7 Q. Okay. Did you ever perform any
8 services for Red Rock at any time?

9 A. In what?

10 Q. Did you ever play -- did you perform
11 any services for Red Rock at any time?

12 A. No.

13 Q. Did you play any role in the day-to-day
14 operations of Red Rock?

15 A. No.

16 Q. Do you know anything about what records
17 Red Rock maintained as part of its business?

18 A. No.

19 Q. Are you familiar with a company called
20 Ascension Technologies?

21 A. Yes.

22 Q. And what is Ascension Technologies?

23 A. They are one of the entities affiliated
24 with Red Rock.

1 Q. Have you finished your answer?

2 A. Yes.

3 Q. Okay. How was Ascension Technologies
4 affiliated with Red Rock?

5 A. I don't remember.

6 Q. What does Ascension Technologies do?

7 A. I don't remember.

8 Q. Have you ever performed any services
9 for Ascension Technologies?

10 A. No.

11 Q. Have you ever played any role in the
12 day-to-day operations of Ascension Technologies?

13 A. No. Any role I played was only in my
14 capacity what was shared with Tribal Council in
15 which I was opposed to.

16 Q. Okay. And had you ever heard of a
17 company called Big Picture Loans?

18 A. Yes.

19 Q. And what is Big Picture Loans?

20 A. It's the overarching entity of all the
21 entities within the lending industry not wholly
22 owned by the tribe.

23 Q. Big Picture Loans is not wholly owned
24 by the tribe?

1 A. I don't know.

2 Q. Have you ever performed any services
3 for Big Picture Loans?

4 A. No.

5 Q. Have you ever played any role in the
6 day-to-day operations of Big Picture Loans?

7 A. No.

8 Q. Do you know anything about the records
9 that Big Picture Loans maintains?

10 A. No.

11 Q. Have you ever been to the offices of
12 Ascension Technologies?

13 A. No.

14 Q. Do you know where the offices are?

15 A. No.

16 Q. Have you ever been to the offices of
17 Big Picture Loans?

18 A. No.

19 Q. Do you know where the offices are?

20 A. Well, there's a sign on the
21 reservation.

22 Q. Explain that, please.

23 A. There's a sign that says Big Picture
24 Loans and an arrow to the reservation, but I've

1 never been in there.

2 Q. And where on the reservation is that
3 sign?

4 A. Right next to the police station.

5 Q. Okay. And does the arrow point to the
6 police station or towards the police station?

7 A. Yes.

8 Q. Okay. But you've never gone in that
9 direction to the offices of Big Picture Loans?

10 A. I've never been in those offices, no,
11 when it was acquired or had their offices in
12 there.

13 Q. Okay. When is the last time you ever
14 had any communication with Michelle Hazen?

15 A. With who?

16 Q. Michelle Hazen.

17 A. What type of communication because she
18 did live across the street from me?

19 Q. Any communication.

20 A. Maybe 2015 maybe, '16. I don't know.

21 Q. Okay. And just to be clear, when I say
22 any communication, I mean speaking to her in
23 person or on the telephone, writing a letter to
24 her, sending a text message to her, sending an

1 e-mail to her, any form of communication.

2 A. I don't remember.

3 Q. You don't remember, but it was either
4 2015 or '16?

5 A. It's been years. I don't know.
6 They're all my cousins.

7 Q. I'm sorry. Could you repeat your
8 answer? I didn't hear you.

9 A. She's my cousin, but don't -- they're
10 all my cousins, the entire council, but I haven't
11 talked to them.

12 Q. Okay. And what about with Chairman
13 Williams, when's the last time you had any
14 communication with Chairman Williams?

15 A. August 12, 2016.

16 Q. So the day that you were removed as
17 vice chairman of the tribe?

18 A. Yes.

19 Q. The last time you communicated with
20 Chairman Williams?

21 A. Uh-huh.

22 Q. Uh-huh meaning yes?

23 A. Yes.

24 Q. Okay. Thank you.

1 Would you describe Michelle Hazen as a
2 friend of yours?

3 A. She's my cousin.

4 Q. Okay. My question was, would you
5 describe her as a friend of yours?

6 A. Facebook friend, friend? I don't know
7 what you mean.

8 Q. Well, what's your understanding of the
9 term friend?

10 A. That it's non-existent.

11 Q. I'm sorry?

12 A. It's non-existent.

13 Q. What's non-existent?

14 A. Friends.

15 Q. Friends are non-existent?

16 A. Correct.

17 Q. What do you mean by that?

18 A. Nobody is honest. Nobody is loyal.

19 Those are my definitions of a friend.

20 Q. So someone who's loyal and honest?

21 A. Yes.

22 Q. So are you saying that -- and I'm sorry
23 if I misunderstood the answer to your question.

24 I asked whether Michelle Hazen was a

1 friend and so is that a yes or a no?

2 A. She's not loyal and she's not honest,
3 so no.

4 Q. Okay. What about Chairman Williams?

5 A. He's my cousin, not my friend.

6 Q. Okay. What about other members of the
7 Tribal Council with whom you served, friends?

8 A. They're my cousins, not my friends.

9 Q. Okay. And is anyone who is a tribal
10 member of LVD your friend?

11 A. No.

12 Q. Okay. Ms. Pete, you currently live in
13 Northern Minnesota; is that correct?

14 A. Yes.

15 Q. For approximately how long have you
16 lived in Northern Minnesota?

17 A. A year.

18 Q. So you moved to Northern Minnesota
19 sometime in 2019?

20 A. I don't know. I kept my residency in
21 Michigan. I don't know the exact dates.

22 Q. Okay. Prior to your relocating to
23 Northern Minnesota, where did you live?

24 A. In Watersmeet, Michigan.

1 Q. Do you know who he works for?

2 A. No.

3 Q. Do you know anyone by the name of Brian
4 McFadden?

5 A. Yes.

6 Q. Who's Brian McFadden?

7 A. I think he worked for Rosette. I'm not
8 sure.

9 Q. Okay. So you interacted with him in
10 his capacity as someone who worked for Rosette?

11 A. No.

12 Q. Did you not interact with him at all?

13 A. I just know the name.

14 Q. Just know the name. Okay.

15 A. I can't remember.

16 Q. Okay. Now, do you know what the word
17 spoliation means?

18 A. Exfoliation?

19 Q. Not exfoliation. Spoliation,
20 s-p-o-l-i-a-t-i-o-n?

21 A. No. What does it mean?

22 Q. Do you have any personal knowledge
23 about how Red Rock stored its data?

24 A. No.

1 Q. Do you have any personal knowledge
2 about how Duck Creek stored its data?

3 A. No.

4 Q. Do you have any personal knowledge --
5 strike that.

6 Have you ever heard of a company called
7 SourcePoint?

8 A. Yes.

9 Q. And what's SourcePoint?

10 A. SPVI.

11 Q. And what did it do?

12 A. I don't remember.

13 Q. Do you -- did you ever perform any
14 services for SourcePoint?

15 A. No.

16 Q. Did you ever -- were you ever involved
17 in the day-to-day operations of SourcePoint?

18 A. Nope.

19 Q. Do you know -- do you have any personal
20 knowledge about how SourcePoint stores its data?

21 A. No.

22 Q. Have you ever heard of a company called
23 Bellicose?

24 A. Yes.

1 Q. What's Bellicose?

2 A. Matt Martorello's company.

3 Q. And what did it do? What did it do?

4 A. They originated the loans.

5 Q. How do you know that?

6 A. Because that's how it was set up.

7 Q. How do you know that Bellicose
8 originated the loans?

9 A. From the documents that I read.

10 Q. What documents did you read that said
11 that?

12 A. Documents that I provided to the FBI
13 and to you.

14 Q. Okay. And so whatever documents that
15 say that Bellicose originated the loans you gave
16 to the FBI and to Mr. Cooperstein?

17 A. Yes. I gave everything.

18 Q. Are there any other documents that you
19 have which you contend show that Bellicose
20 originated the loans?

21 A. No.

22 Q. Okay. Do you have any personal
23 knowledge about how Bellicose stored its data?

24 A. No.

1 Q. Do you have any personal knowledge of
2 how Bellicose originated the loans?

3 A. No.

4 Q. Do you have any personal knowledge of
5 how Big Picture Loans stores its data?

6 A. No.

7 Q. Do you have any personal knowledge of
8 how Ascension Technologies stores its data?

9 A. No.

10 Q. What's the -- strike that.

11 Are you familiar with the term backing
12 up data?

13 A. No.

14 Q. So would it be accurate to say that you
15 don't know how Red Rock backed up its data?

16 A. No.

17 Q. It wouldn't be accurate or you don't
18 know how Red Rock backed up its data, correct?

19 MS. DRAKE: Objection.

20 You can answer.

21 BY MR. SCHEFF:

22 Q. You can answer, Ms. Pete.

23 A. Can you repeat it, please?

24 Q. You don't have any personal knowledge

1 about how Red Rock backed up its data, correct?

2 A. No.

3 Q. And you don't have any personal
4 knowledge about how Duck Creek backed up its
5 data, correct?

6 MS. DRAKE: I object to this entire
7 line. She already said she doesn't know what the
8 phrase backed up data means, so --

9 BY MR. SCHEFF:

10 Q. Okay. You can answer the question, Ms.
11 Pete.

12 A. No.

13 Q. And you don't have any personal
14 knowledge about how SourcePoint backed up its
15 data, correct?

16 A. That's correct.

17 Q. And you don't have any personal
18 knowledge about how Bellicose backed up its data,
19 correct?

20 A. Maybe you can stop saying correct
21 because you're -- just ask the question. Can you
22 repeat it again?

23 Q. Yes.

24 You don't have any personal knowledge

1 about how Bellicose backed up its data; is that
2 correct?

3 A. No, I don't. No.

4 Q. And you don't have any personal
5 knowledge about how Big Picture Loans backed up
6 its data?

7 A. No.

8 Q. And you don't have any personal
9 knowledge about how Ascension Technologies backed
10 up its data, correct?

11 A. No, I do not.

12 Q. What about do you have any personal
13 knowledge about how Red Rock saved its data?

14 A. No.

15 Q. How about Duck Creek, personal
16 knowledge about how Duck Creek saved its data?

17 A. No.

18 Q. Personal knowledge about how
19 SourcePoint saved its data?

20 A. No.

21 Q. Personal knowledge about how Bellicose
22 saved its data?

23 A. No.

24 Q. Personal knowledge about how Big

1 Picture Loans saved its data?

2 A. No.

3 Q. No personal knowledge about how
4 Ascension Technologies saved its data, correct?

5 A. No.

6 Q. Is that right? Ms. Pete?

7 A. Yes.

8 Q. You don't have any personal knowledge
9 about how Ascension Technologies saved its data;
10 is that correct?

11 A. No, I do not.

12 Q. All right. Do you know what data --
13 strike that.

14 Do you have any personal knowledge
15 about what data exists today that was maintained
16 by Red Rock?

17 A. No.

18 Q. Do you have any personal knowledge
19 about what data exists today that was maintained
20 by Duck Creek?

21 A. No.

22 Q. Do you have any personal knowledge
23 about what data exists today by SourcePoint?

24 A. No.

1 Q. How about Bellicose?

2 A. No.

3 Q. How about Big Picture Loans?

4 A. No.

5 Q. How about Ascension Technologies?

6 A. No.

7 Q. Do you have any personal knowledge
8 about whether LVD destroyed any evidence relating
9 to this lawsuit?

10 A. No.

11 Q. Do you have any evidence -- strike
12 that.

13 Do you have any personal knowledge
14 about whether Red Rock destroyed any evidence
15 relating to this lawsuit?

16 A. No.

17 Q. Do you have any personal knowledge of
18 whether Big Picture Loans destroyed any evidence
19 relating to this lawsuit?

20 A. No.

21 Q. Do you have any evidence, any personal
22 knowledge as to whether or not Ascension
23 Technologies destroyed any evidence relating to
24 this lawsuit?

1 A. No.

2 Q. Do you have any personal knowledge as
3 to whether Bellicose destroyed any evidence
4 relating to this lawsuit?

5 A. No.

6 Q. Do you have any personal knowledge as
7 to whether Matt Martorello destroyed any evidence
8 relating to this lawsuit?

9 A. No.

10 Q. Are you aware of any efforts taken by
11 anyone to destroy evidence relating to this
12 lawsuit?

13 A. So --

14 Q. Did you hear the question, Ms. Pete?

15 A. Yes.

16 MR. PATTNI: She's asking for --

17 MR. SCHEFF: Sure. Okay. That's
18 fine.

19 MR. PATTNI: -- me a question. So
20 can we take a quick 30 second break?

21 MR. SCHEFF: We can take as much
22 time as you want.

23 THE VIDEOGRAPHER: The time is
24 11:28 a.m. We're off the record.

1 want to know what you believe was destroyed, when
2 it was destroyed and the basis for your
3 knowledge.

4 A. Okay. Any and all documents when
5 Karrie Wichtman would come to the council to
6 present structural changes or resolutions or
7 formations of business entities would immediately
8 be collected after the meeting and immediately
9 shredded except I would not give my packet
10 because to me that was the records of the tribe
11 for the next administration to follow and
12 understand the business.

13 Q. Okay.

14 A. So I have problems with, you know, your
15 asking the question in that format.

16 Q. That's fine. Thank you for clarifying.

17 And how many times did Karrie Wichtman
18 collect documents after a Tribal Council meeting
19 and shred them?

20 A. I don't know. As far as I know, every
21 single time.

22 Q. And what other information do you have
23 -- strike that.

24 I just want to clarify your testimony.

1 The documents that Ms. Wichtman collected from
2 others and shredded, she did not collect from
3 you, correct?

4 A. Correct.

5 Q. And you kept those documents?

6 A. Yes.

7 Q. And are those among the documents that
8 you gave to Mr. Cooperstein?

9 A. Yes.

10 Q. All right. And so we have all those
11 documents now, correct?

12 A. Yes.

13 Q. All right. Good.

14 Other information that you have about
15 anyone destroying documents or data relating to
16 this matter at any time, anyone?

17 A. What's the question?

18 Q. Other than what you've just disclosed
19 about Ms. Wichtman collecting documents and
20 shredding them after Tribal Council meetings, do
21 you have any other information about anyone
22 destroying documents relating to the subject
23 matter of this litigation at any time?

24 A. Yeah, just hearsay from tribal

1 membership and workers at the tribal center in
2 which I was not privy to because I did not work
3 there any longer. I did not see it like I seen
4 what we just discussed about documents being
5 destroyed, so they just told me that there was a
6 shredding truck, they were shredding everything.
7 It's never happened before. That was just
8 hearsay, but it was information that I stated as
9 far as what I know about documents being
10 shredded, my personal knowledge and hearsay.

11 Q. So the personal knowledge that you have
12 is what you described that Ms. Wichtman did,
13 correct?

14 A. Yes.

15 Q. And the hearsay knowledge that you have
16 is what you've just described was told to you; is
17 that right?

18 A. Yes.

19 Q. Okay. And I just want to confine the
20 time periods, if I can.

21 So your knowledge about Ms. Wichtman
22 collecting documents at the end of a Tribal
23 Council meeting and shredding them, that's during
24 the time period that you were on the Tribal

1 Council either as a Tribal Council member or a
2 vice chair; is that correct?

3 A. Yes.

4 Q. Okay. And the hearsay information that
5 you have that workers related to you, that was
6 after you left Tribal Council; is that right?

7 A. Yes.

8 Q. And before you moved up to Minnesota?

9 A. Yes. I stayed in for like a year,
10 two years. I don't know.

11 Q. Okay. But it was after you left the
12 Tribal Council and before you came up to
13 Minnesota; is that right?

14 A. Yeah. Yes.

15 Q. Which workers told you that documents
16 were being shredded?

17 A. Janitors, tribal members.

18 Q. Can you give me their names, please?

19 A. I believe Corrine McGeshick was one.
20 She was a janitor. Numerous phone calls. I
21 don't remember 'cause I was just like I don't
22 care. I'm done with it.

23 Q. So other than -- is it Corrine
24 McGeshick?

1 A. Yes.

2 Q. Other than Corrine McGeshick, today you
3 can't identify any other people that told you
4 that documents were shredded?

5 A. No. There's numerous people. I don't
6 -- I didn't pay attention.

7 Q. Can you tell me any of their names
8 other than Corrine McGeshick?

9 A. No.

10 Q. And what documents did Corrine
11 McGeshick and others tell you were shredded?

12 A. They just said they're shredding
13 everything. There's never been a shredding
14 truck, so it was just their thoughts.

15 Q. You didn't witness any of the
16 shredding; is that correct?

17 A. Not what they were suggesting, just
18 what I seen.

19 Q. And what you saw was with Karrie
20 Wichtman as you've described a couple minutes
21 ago, correct?

22 A. And Tribal Council members, yes.

23 Q. Okay. Excuse me.

24 Now, so Corrine McGeshick didn't tell

1 you what specific documents were being shredded,
2 correct?

3 A. No.

4 Q. And these other people whose names you
5 can't remember today, they didn't tell you what
6 specific documents were being shredded either; is
7 that correct?

8 A. No.

9 Q. Did they say what the documents even
10 related to?

11 A. No. I just didn't pay attention 'cause
12 I'm like I don't speak on what I didn't see or
13 know of personally.

14 Q. Okay. Excuse me.

15 Ms. Pete, you electronically signed a
16 declaration in this case. Do you remember that?

17 A. Yes.

18 Q. And what was the reason why you signed
19 a declaration?

20 A. I don't have -- I don't think I had a
21 car, computer. I don't -- and it is 2020.

22 Q. I'm sorry. I'm asking why -- how did
23 it come about that you signed a declaration in
24 this case?

1 her name.

2 MR. PATTNI: You had answered it.

3 If you don't remember, you can just say you don't
4 remember.

5 THE WITNESS: I don't know.

6 BY MR. SCHEFF:

7 Q. And this was last August 2019; is that
8 right?

9 A. Yes.

10 Q. And the people who prepared it were
11 lawyers for the plaintiffs; is that right?

12 A. Yes.

13 Q. So you told your story to lawyers for
14 the plaintiffs and they wrote your declaration?

15 A. Yes, and upon my approval with an
16 amendment to it, I had signed it.

17 Q. So you revised it a couple of times and
18 then when you were satisfied with it, you signed
19 it; is that right?

20 A. I believe there was one revision.

21 Q. Okay. And do you remember what was
22 revised?

23 A. I think one was where they had said
24 something about the -- it was misunderstanding

1 I'm going to read that into the record.

2 "In 2011, Tribal Council was approached
3 by Matt Martorello with an opportunity to
4 participate in a lending business. In the fall
5 of 2011, Martorello visited our reservation to
6 meet with Tribal Council to present the deal.
7 During this presentation, Martorello explained
8 that his company would run the business if LVD
9 allowed him to claim that LVD law applied to the
10 loans. Under the deal, LVD would receive
11 2 percent of the gross revenue of the loans."

12 Have I read that correctly?

13 A. Yes.

14 Q. Okay. How do you know that
15 Mr. Martorello was the one who approached LVD
16 with an opportunity to participate in the lending
17 business?

18 A. 'Cause he was standing right in front
19 of me during the presentation.

20 Q. How do you know that he's the one that
21 contacted LVD as opposed to LVD contacting him?

22 A. I don't know that.

23 Q. You don't know one way or the other?

24 A. I know that Rob Rosette had initially

1 said that -- discussed this initiative and then
2 Matt Martorello appeared.

3 Q. Okay. And again -- and I just want to
4 clarify something because I want to make sure
5 we're careful.

6 Ms. Pete, when Mr. Rosette said what
7 you've just testified to, was he acting in his
8 capacity, as far as you know, as a lawyer for
9 LVD?

10 A. Yes.

11 Q. All right. I want to know what he said
12 as a lawyer for LVD, okay?

13 A. Yes.

14 Q. All right. Now, when did
15 Mr. Martorello come to Tribal Council, if you
16 know?

17 A. Like July or August of --

18 Q. Of what year?

19 A. 2011.

20 Q. And you were the vice chair of the
21 Tribal Council at the time?

22 A. I believe so. I'm -- I don't know. I
23 believe so.

24 Q. Okay. But you remember being in a

1 other?

2 A. No.

3 Q. At the meeting with Mr. Martorello at
4 Tribal Council, did you voice an objection to the
5 tribe moving forward with a lending operation?

6 A. Yes.

7 Q. And who did you voice that to?

8 A. Whenever they voted, I did.

9 Q. I'm sorry?

10 A. Whenever they voted, I did.

11 Q. You voted against it?

12 A. Correct.

13 Q. All right. And do you have a record of
14 you voting against it; did you keep those
15 resolutions where its recorded that you voted
16 against it?

17 A. No. We would not get -- we would not
18 receive anything after the chairman signed it.
19 It would just be meeting minutes that would be
20 posted that indicated what was passed or what
21 wasn't passed and it wouldn't say who was for or
22 against.

23 I specifically remember that because
24 when I was opposed to it, Michelle Hazen was the

1 secretary and she said too bad that it doesn't
2 state who was opposed to it, ha, ha, ha.

3 Q. And when was that; when was that
4 conversation that you're relating from Ms. Hazen?

5 A. She would say that all the time.

6 Q. So are you saying that every time you
7 voted against a resolution, that's what Ms. Hazen
8 would say to you?

9 A. Yes.

10 Q. And who else was present when she would
11 do that?

12 A. I didn't pay attention, but I'm sure
13 its on record, audio.

14 Q. Were Tribal Council meetings tape
15 recorded?

16 A. Yes.

17 Q. How do you know that?

18 A. Because I was on the Tribal Council.

19 Q. Did you ever listen to the recordings?

20 A. No. Only when I had requested specific
21 meeting minutes and at the time, Vera Klingman
22 was the secretary and she gave me the wrong
23 recordings. When I listened to it, it was the
24 recordings of me questioning the council about

1 Tribal Loan Management and Tribal Lending
2 Solutions are going to enter into a contract with
3 the tribe and they were going to help the tribe
4 set up an online lending operation to consumers;
5 isn't that right?

6 A. Yes.

7 Q. All right. And as part of that effort,
8 Tribal Loan Management and Tribal Lending
9 Solutions identified Mr. Martorello as a person
10 who could assist the tribe in doing that; isn't
11 that right?

12 A. I don't know if that's correct. All I
13 know -- I don't know how he was retained or
14 invited. All I know is he was just there
15 one day.

16 Q. So you don't know how he came to be
17 there one day?

18 A. No, I don't.

19 Q. Is that correct?

20 A. The only link that I knew of was from
21 Rob Rosette.

22 Q. And Rob Rosette is part of Exhibit 3;
23 he's part of Tribal Loan Management, correct?

24 MS. DRAKE: Object as to form,

1 Q. Why not?

2 A. Because none of that, any documents
3 state that our sovereignty will be shared.

4 Q. That's why you didn't think of
5 Exhibit 3, that contract, when you signed the
6 declaration?

7 A. No.

8 Q. Okay. That's fine.

9 Let's go to the last sentence of
10 paragraph two. So I'm going to need the first
11 page and then the second page.

12 "During this presentation, Martorello
13 explained that his company would run the business
14 if LVD allowed him to claim that LVD law applied
15 to the loans. Under the deal, LVD would receive
16 2 percent of the gross revenues from the loans."

17 Have I read that correctly?

18 A. Yes.

19 Q. Do you know what gross revenue is?

20 A. Yes.

21 Q. What is it?

22 A. It's the income that you generate from
23 whatever business you're running.

24 Q. Sorry?

1 A. It's the gross revenue -- the revenue
2 that you generate minus the cost of operating the
3 business.

4 Q. That's the gross revenue?

5 A. Yes.

6 Q. You're sure that's not the net revenue?

7 A. Yes.

8 Q. Okay. So as far as you understood, the
9 deal that Mr. Martorello presented would have LVD
10 taking 2 percent of gross revenue, which you
11 understand to be total amount of revenue of the
12 business minus all the costs?

13 A. Can you put page two up without the
14 faces on it? Okay.

15 Q. How's that?

16 A. Better.

17 Q. Okay. So you understood that the deal
18 that Mr. Martorello presented to the tribe was
19 that they would receive 2 percent of the revenue
20 minus the costs?

21 MS. DRAKE: Object as to form.

22 MR. PATTNI: Have him repeat his
23 question.

24 THE WITNESS: Yeah. I'm getting

1 lost here. Can you repeat the question?

2 BY MR. SCHEFF:

3 Q. Yeah.

4 You -- well, let's go back to your
5 definition of gross revenue.

6 Did I understand you correctly when you
7 said that gross revenue means the total amount of
8 money taken in by the business less all of the
9 business's costs; is that right?

10 A. Yes.

11 Q. All right. So is that what
12 Mr. Martorello explained to the tribe, that they
13 would receive 2 percent of the revenue generated
14 by the business after all the costs had been
15 paid?

16 A. No.

17 Q. What did he say?

18 A. I don't -- I'd have to look at my
19 documents because there's taxation issues and
20 questions also.

21 Q. Well, you signed this declaration which
22 says under the deal, LVD would receive 2 percent
23 of the gross revenues from the loans. What was
24 the basis for you saying that?

1 A. What was the basis of what?

2 Q. What was the basis of you saying that?

3 A. The whole basis of every single
4 statement and sentence I wrote was the fact that
5 2 percent is not a hundred percent wholly owned
6 by the tribe.

7 Q. What's not wholly owned by the tribe?

8 A. Our net, that is not wholly owned by
9 the tribe.

10 Q. So is it your belief that -- is it your
11 position that a business wholly owned by the
12 tribe has to receive one-hundred percent of the
13 revenue and profit of that business?

14 A. When it is said that it's wholly owned
15 by the tribe, yes.

16 Q. So unless a business receives a hundred
17 percent of the revenue and profit, it can't be
18 wholly owned by the tribe?

19 A. Unless it receives -- can you repeat --

20 Q. So unless the tribal business receives
21 one-hundred percent of the revenue and the
22 profit, it can't be tribally owned -- it can't be
23 wholly tribally owned; is that your testimony?

24 A. I guess it would depend upon if it was

1 incorporated or corporated or formed under tribal
2 law.

3 Q. Okay.

4 A. That's a whole different story.

5 Q. So if it was formed under tribal law,
6 the business was formed under tribal law, in
7 order for that business to be wholly owned by the
8 tribe, is it your testimony that that business
9 has to receive all the revenue and all the profit
10 that it generates?

11 MS. DRAKE: Object as to form.

12 THE WITNESS: Yes.

13 BY MR. SCHEFF:

14 Q. Yes?

15 A. Yes.

16 Q. Okay. Let's go on to paragraph three.

17 "When Tribal Council initially agreed
18 to the deal with Martorello, we understood that
19 all aspects of the lending business would be
20 handled by Martorello and that the tribe would
21 have no risk."

22 Have I read that correctly?

23 A. Yes.

24 Q. What did you mean when you said the

1 tribe would have no risk?

2 A. That he would teach us how to run the
3 business.

4 Q. And why does that mean the tribe would
5 have no risk? I don't understand that. Can you
6 explain that?

7 A. Pretty much like it was a lucrative
8 business.

9 Q. It was what?

10 A. A lucrative business.

11 Q. And so therefore, there'd be no risk to
12 the tribe?

13 A. Yes.

14 Q. Isn't it the case that there'd be no
15 risk to the tribe because the tribe would be
16 receiving 2 percent of the gross revenue from the
17 loans, not 2 percent of the net revenue from the
18 loans?

19 MS. DRAKE: Object as to form.

20 THE WITNESS: Isn't it? What do
21 you mean?

22 BY MR. SCHEFF:

23 Q. Isn't it the case that the tribe was
24 receiving 2 percent of the revenues of the

1 A. It depends on what aspect is -- passing
2 out flyers on a car. There's talking to someone,
3 communication, internet, leads. So yes, I
4 understand what marketing is.

5 Q. Okay. And what do you understand the
6 term servicing to mean in line four, paragraph
7 three?

8 A. That they would be servicing, teaching
9 us how to service any applications and any
10 consumers and then funding and then teaching
11 about the collection of the loans and then it
12 would be passed to the tribe, but none of that
13 was ever shared with the council.

14 Q. Do you know whether it was shared, that
15 is the training of how to underwrite and market
16 and service and fund and collect, with other
17 people who were outside the council, but members
18 of the tribe?

19 MS. DRAKE: Object as to form,
20 compound, foundation.

21 THE WITNESS: No.

22 BY MR. SCHEFF:

23 Q. Do you know whether Mr. Martorello and
24 the people that worked for him tried to train the

1 people who worked for Red Rock?

2 A. No.

3 MS. DRAKE: Object as to --

4 BY MR. SCHEFF:

5 Q. Do you know whether Mr. Martorello and
6 the people who worked for him tried to train the
7 people who worked for Duck Creek?

8 A. No.

9 Q. You just don't know whether it happened
10 or didn't happen; you just know that it wasn't
11 shared with the Tribal Council?

12 A. Yes.

13 Q. Okay. Let's go to paragraph four. Do
14 you see in the second --

15 A. I want to back up to that last question
16 you had and telling me what I knew and didn't
17 know, but -- can the court reporter say the last
18 few sentences?

19 (The requested portion of the
20 record was read back by the court reporter.)

21 THE WITNESS: Yeah, because the
22 attorneys, Karrie Wichtman and Ken Akini, stated
23 that Susie McGeshick was not doing what she was
24 supposed to do. Nothing was getting done. The

1 A. My answer was no, they were not.

2 That's my personal knowledge based on the
3 information that was provided to me by the
4 attorneys, Karrie Wichtman and Ken Akini.

5 Q. Did you ever speak with any of the
6 employees of Red Rock or Duck Creek to determine
7 whether they thought they were being trained in
8 the operation of the business?

9 A. No.

10 Q. Let's go to paragraph four, second
11 line. Do you see the word originate?

12 A. Yes.

13 Q. What does that mean?

14 A. The application process.

15 Q. The application process. Okay. Why is
16 it in quotes?

17 A. 'Cause it didn't originate there.

18 Q. I'm sorry. What didn't originate
19 there?

20 A. It didn't originate -- any applications
21 originate there. There's no way to tell which
22 ones did and which ones didn't because Bellicose
23 was located in Puerto Rico.

24 Q. I thought that you said that you were

1 not involved -- that you testified you were not
2 involved in the day-to-day operations of Red
3 Rock; is that correct?

4 A. Yes.

5 MS. DRAKE: Objection,
6 mischaracterizes her testimony.

7 BY MR. SCHEFF:

8 Q. Is that a yes, Ms. Pete?

9 A. Yes.

10 Q. And you weren't involved in the
11 day-to-day operations of Duck Creek; isn't that
12 right?

13 A. Right.

14 Q. Okay. So Ms. Pete, how do you know
15 then that Duck Creek or Red Rock did not
16 originate the loans that it made; how do you know
17 that?

18 A. Because what Karrie said, it wasn't
19 being done by Susie McGeshick. That's one
20 instance.

21 Q. Other than information that you
22 received from a third party, Ms. Wichtman, do you
23 have any other basis to say that Red Rock loans
24 were not originated by Red Rock?

1 A. No.

2 Q. Ms. Pete --

3 A. Yes.

4 Q. -- let's go through paragraph four.

5 You said: "But this responsibility was
6 immaterial because Red Rock would have no reason
7 to reject a loan that satisfied Martorello's
8 lending criteria because Martorello ran the
9 business and bore all the risks."

10 What's the basis for you saying that?

11 MS. DRAKE: Object as to form.

12 THE WITNESS: That he -- basically
13 because it wasn't being done by the tribe and
14 then it would -- they would ship them to him or
15 whatever Karrie did because Susie wasn't doing
16 it, they wouldn't have to be rejected because his
17 criteria was what she said. I don't know. I
18 didn't see any of those applications. I just
19 heard of what was being done.

20 BY MR. SCHEFF:

21 Q. And you heard about that on one
22 occasion?

23 A. No, numerous.

24 Q. Numerous occasions. But you never

1 I'm asking about the time period November 2011 to
2 February of 2016, did Red Rock have employees in
3 Puerto Rico and Atlanta during that time period?

4 A. I don't know. I'd have to look at the
5 documents.

6 Q. Okay. During the period November of
7 2011 to February of 2016, what is the basis for
8 you saying that Red Rock's computers -- strike
9 that.

10 During the time period November of 2011
11 to February of 2016, were Red Rock's computers
12 located on the reservation?

13 MS. DRAKE: Object as to the form.

14 THE WITNESS: Where were they, is
15 that what you said?

16 BY MR. SCHEFF:

17 Q. I asked whether they were on the
18 reservation.

19 A. I don't know.

20 Q. Okay. During the period November of
21 2011 to February of 2016, were the records of Red
22 Rock -- strike that.

23 Were the records of Red Rock on the
24 reservation?

1 A. I don't know.

2 Q. Okay. So the next sentence of
3 paragraph five then says: "I understand" --

4 A. Can you put it up? Yeah.

5 Q. Yeah. Sorry.

6 I'm starting at the very last word on
7 page two where it says: "I" -- if you can go to
8 page three, please -- "understand that
9 Martorello" --

10 MS. DRAKE: The exhibit is covered
11 up by the photos on the screen, so maybe we can
12 just display page three if that's what you're
13 talking about.

14 MR. SCHEFF: That's fine.

15 BY MR. SCHEFF:

16 Q. "I understand that Martorello operated
17 Red Rock exclusively for a significant amount of
18 time after its inception."

19 Have I read that correctly?

20 A. Yes, you have.

21 Q. For how long a period of time did
22 Martorello operate Red Rock exclusively after its
23 inception?

24 A. I don't know.

1 Q. Can you estimate?

2 A. No.

3 Q. Do you know when the inception of Red
4 Rock was?

5 A. No.

6 Q. The last sentence of paragraph five
7 says: "I understand that some employees,
8 computers and records were located off the
9 reservation."

10 During what time period are you
11 referring to in your declaration when you wrote
12 that sentence?

13 A. I don't know. I just know that there
14 are some employees, computers and records that
15 were off the reservation.

16 Q. Are you unable to say during what time
17 period that occurred?

18 A. Yes.

19 Q. All right. I think we've already
20 talked about paragraph six. Let's go to
21 paragraph seven, please.

22 First sentence: "Additionally,
23 although business information was kept secret
24 from Tribal Council, it was my understanding that